

PRIVACY ACT STATEMENT

Exemption (6)

Today, _____ 6 May _____, 2020____, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. **AUTHORITY:** 44 U.S.C. § 3101; 5 U.S.C. § 301. Specify, if possible, other statutory authority listed below that is peculiarly applicable to the matter under investigation.
Authorities applicable to various investigations:
- a. Requirement that enlisted members make up time lost due to misconduct or abuse of drugs or alcohol. 10 U.S.C. § 972.
 - b. Retirement or separation for physical disability. 10 U.S.C. §§ 1201-1221.
 - c. Manual for Courts-Martial.
 - d. Uniform Code of Military Justice. 10 U.S.C. §§ 815, 832, 869, 873, 935, 936, and 938-940.
 - e. Military Claims Act. 10 U.S.C. § 2733.
 - f. Foreign Claims Act. 10 U.S.C. §§ 2734, 2734a, 2734b.
 - g. Emergency payment of claims. 10 U.S.C. § 2736
 - h. Non-Scope claims. 10 U.S.C. § 2737.
 - i. Duties of Secretary of the Navy. 10 U.S.C. § 5013.
 - j. Duties of the Office Chief of Naval Operations. 10 U.S.C. §§ 5031-5033, 5035-5036.
 - k. Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General. 10 U.S.C. §§ 5021-5024, 5131-5133, 5135, 5137-38, 5141-5142a, 5148-5150.
 - l. Duties of the Commandant of the Marine Corps. 10 U.S.C. § 5043.
 - m. Reservists' disability and death benefits. 10 U.S.C. § 1074.

- n. Requirement of exemplary conduct. 10 U.S.C. § 5947.
- o. Promotion of accident and occupational safety by Secretary of the Navy. 10 U.S.C. § 7205.
- p. Admiralty claims. 10 U.S.C. § 7622-7623.
- q. Federal Tort Claims Act. 28 U.S.C. §§ 1346, 2671-2680.
- r. Financial liability of accountable officers. 31 U.S.C. §§ 3521, 3527, 3531.
- s. Military Personnel and Civilian Employees' Claims Act of 1964. 31 U.S.C. §§ 240-243.
- t. Federal Claim Collection Acts. 31 U.S.C. §§ 3521, 3526, 3529, 3701-3702, 3717-3718.
- u. Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use. 37 U.S.C. § 802.
- v. Eligibility for certain veterans' benefits. 38 U.S.C. § 105.
- w. Postal claims. 39 U.S.C. §§ 406, 2601.
- x. Medical Care Recovery Act. 42 U.S.C. §§ 2651-2653.
- y. Public Vessels Act. 46 U.S.C. §§ 781-790.
- z. Suits in Admiralty Act. 46 U.S.C. §§ 741-752.
- aa. Admiralty Extension Act. 46 U.S.C. § 740.
- bb. Transportation Safety Act. 49 U.S.C. § 1901.

2. **PRINCIPAL PURPOSE(S):** The information which will be solicited is intended principally for the following purpose(s):

- a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.
- b. Determinations on disciplinary or punitive action.
- c. Determinations on liability of personnel for losses of, or damage to, public funds or property.
- d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. **ROUTINE USES:** In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemembers' Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE - CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where disclosure is voluntary, as usually is the case, use one of the following statements, or a combination of the following statements, as applicable:

(1) Where an individual is a subject of an investigation for purpose 2a or 2b, above: "Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the personnel and disciplinary determinations in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence, which may be needed to support a favorable determination."

(2) Where an individual is a subject of an investigation for purpose 2c, above:
“Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held liable for repayment of the Government's loss would be based on the other evidence in the investigative record.”

(3) Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: “Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have made or may make against the Government as a result of the incident under investigation.”

(4) Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: “Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in a Naval medical facilities.”

(5) In any other case: “Disclosure is voluntary, and if you do not provide the requested information, any determinations or evaluations made as a result of the investigation will be made on the basis of the evidence that is contained in the investigative record.”

b. In the unusual situation where a specific statute, regulation, or lawful order of competent authority requires an individual to disclose particular information for the Government's benefit in furtherance of a Government interest, policy, or objective, the following statement should be used: “Disclosure of (specify the particular relevant information required) is mandatory under (cite the statute, regulation, or order), and refusal to disclose that information will subject you to possible disciplinary or criminal proceedings. Disclosure of any other information requested is voluntary, (and there will be no adverse effects if you elect not to disclose it) (but election not to disclose the information could”

(Signature and date)

Suspect's Rights Acknowledgement/Statement (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT) DUPONT, EDWIN R	SSN Exemption (6)	RATE/RANK CDR	SERVICE (BRANCH) USN
ACTIVITY/UNIT TRAWING ONE – Reserve / Det 182			DATE OF BIRTH
NAME (INTERVIEWER) Exemption (6)	DOD ID	RATE/RANK Exemption (6)	SERVICE (BRANCH) USN
ORGANIZATION Exemption (6)		BILLET Exemption (6)	
LOCATION OF INTERVIEW VIRTUAL (MICROSOFT TEAMS)		TIME 1100	DATE 6 MAY 2020

Rights

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

ED (1) I am suspected of having committed the following offense(s):
Orders Violations; Conduct Unbecoming; and Retaliation

ED (2) I have the right to remain silent;

ED (3) Any statement I make may be used as evidence against me in trial by court-martial;

ED (4) I have the right to consult with lawyer/counsel prior to any questioning. This lawyer/counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both;

ED (5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.

ED (6) If I decide to answer the questions now without a lawyer present, I will have the right to stop this interview at any time.

(initial the spaces)

WAIVER OF RIGHTS

Exemption (6)

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FOR OFFICIAL USE ONLY – PRIVACY SENSITIVE

Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

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